

Joint Standing Committee on Marine Resources

LD 276

An Act to Allow the Sale of Lobster and Crab Fishing Licenses

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ASH	ONTP MAJ	
LEMONT	OTP-AM MIN	

LD 276 proposed to allow a person to sell that person's lobster and crab fishing license to a person approved by the Department of Marine Resources to purchase that license.

Committee Amendment "A" (H-628) was the minority report and proposed to replace the bill. It proposed to authorize a person holding a Class I, Class II or Class III lobster and crab-fishing license to sale that license under the following circumstances:

1. The seller must have fished under that license for at least 5 years and derived at least 51% of that person's net annual income from lobster fishing;
2. The seller could sell the license only as part of the sale of that seller's boat and gear;
3. The buyer must have passed a lobster fishing exam administered by the Department of Marine Resources before the purchase of the license; and
4. A person could not have purchased a license if that person already held a Class I, Class II or Class III lobster and crab fishing license.
5. A person could not sell a suspended or revoked license.

Additionally, the amendment proposed to authorize the department to set the purchase price of the license between \$5,000 and \$10,000 and proposed to require that the revenues generated from the sale of the license go to the department. The seller would retain the revenues from the sale of the boat and gear. Finally, the amendment proposed to establish a 5% surcharge on the purchase price of the license, boat and gear to be paid jointly by the buyer and seller. Revenues generated by this surcharge would be deposited in the Lobster Promotion Fund. (not adopted)

LD 939

An Act To Repeal the Fee on Aquacultural Salmon Production

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN	ONTP	

LD 939 proposed to repeal the Salmon Aquaculture Monitoring, Research and Development Fund, including the 1¢ per pound fee on whole fish harvested paid by the salmon aquaculture industry, and proposed to require the commission to refund any remaining balance in the fund to persons who had paid money into the fund since January 1, 2001. Additionally, the bill proposed to repeal the authority language for the Maine Salmon Aquaculture Advisory Council, whose purpose was to provide guidance on expenditures from the Salmon Aquaculture Monitoring, Research and Development Fund.

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LD 1279

Resolve, Related to Aquaculture Leases in Blue Hill Bay

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	ONTP MAJ OTP MIN	

LD 1279 proposed to direct the Commissioner of Marine Resources to establish a zone in Blue Hill Bay in which finfish aquaculture leases would be excluded.

LD 1667

An Act To Repeal the Exception Provision for Certain Imported Lobster under the Laws Governing Lobster Measurement

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MAYO	ONTP MAJ OTP-AM MIN	

LD 1667 proposed to repeal the provision of law that allowed certain imported lobster to be exempt from the laws governing lobster measurement.

Committee Amendment "A" (H-789), the minority report, proposed to replace the emergency preamble of the bill to more accurately reflect the legislative intent of the bill. (not adopted)

LD 1680

An Act To Establish Harbor Master Standards and Course Requirements

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER KOFFMAN	ONTP MAJ OTP-AM MIN	

LD 1680 proposed to require a municipality to conduct a background check on a person prior to appointing the person as a harbormaster. This bill also proposed to require harbormasters to complete harbormaster courses offered by the Maine Harbor Masters Association or its successor organization. The bill also proposed to define the term harbormaster.

Committee Amendment "A" (S-483), the minority report, proposed to replace the bill. The amendment proposed to prohibit a person from serving as a harbormaster unless the person had been certified by the Maine Criminal Justice Academy as having completed a basic harbormaster training course within one year of January 1, 2005 or one year after the person had been appointed a harbormaster. The amendment also proposed to require a certified harbormaster to become recertified every 3 years. The amendment proposed to direct the Department of Marine Resources in consultation with the Department of Inland Fisheries and Wildlife and the Maine Criminal Justice

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Academy and a statewide harbormasters' association to develop the basic and recertification harbormaster training courses by January 1, 2005. (not adopted)

LD 1689

**An Act To Provide Reciprocal Authority to New Hampshire
Marine Patrol Officers To Investigate Potential Terrorist Activities
in Maine Waters**

**PUBLIC 519
EMERGENCY**

<u>Sponsor(s)</u> DAMON BULL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-364
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Public Law 2003, chapter 519 proposed to give New Hampshire marine patrol officers the authority to investigate potential terrorist activities in Maine waters in the Piscataqua River or Portsmouth Harbor. This bill would have taken effect when reciprocal authority was granted to the Maine marine patrol officers in New Hampshire waters.

Committee Amendment "A" (S-364) proposed to add an emergency measure and clarify that when New Hampshire marine patrol officers are investigating potential terrorist activities in Maine waters of the Piscataqua River or Portsmouth Harbor those officers would be entitled to the same immunities granted to Maine marine patrol officers. The amendment also proposed a conditional repealer that would take effect if New Hampshire repealed its reciprocal statutory language. Finally, the amendment proposed to require the Commissioner of Marine Resources to notify the Secretary of State of New Hampshire if this section of law was repealed or amended to significantly alter its application.

Enacted Law Summary

Public 2003, chapter 519 grants New Hampshire marine patrol officers the authority to investigate potential terrorist activities in Maine waters in the Piscataqua River or Portsmouth Harbor and are provided the same immunities granted to Maine marine patrol officers during the course of those activities.

Public 2003, chapter 519 will only take effect if New Hampshire enacts reciprocal authority to the Maine marine patrol officers, in order that they may investigate potential terrorist activities in New Hampshire waters. It also provides that the provisions of this law are repealed if New Hampshire should repeal its reciprocal statutory language.

Public 2003, chapter 519 requires the Commissioner of Marine Resources to notify the Secretary of State of New Hampshire if this section of law is repealed or amended to significantly alter its application.

Public 2003, chapter 519 was enacted as an emergency measure effective February 19, 2004.

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LD 1701

An Act To Amend the Fees of Special Licenses under the Marine Resources Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	ONTP	

LD 1701 proposed to increase the filing fee for applying for a special license from \$50 to \$100, and the annual fee for a special license from \$25 to \$50. The bill proposed to strike language that waived the application-filing fee for a special license for raising and selling Pacific salmon. In addition, it proposed to change the way that license holders were charged for additional names on the license, from a per-individual charge to a flat fee for up to a given number of names. Currently, the Commissioner of Marine Resources may waive the filing fee for state-funded institutions; this bill proposed to add the same language to allow the commissioner to also waive the annual fee for such institutions. This bill also proposed to add a penalty provision creating a civil violation, which is in addition to the general authority of the Department of Marine Resources to suspend licenses.

LD 1702

An Act To Provide for Department of Marine Resources Jurisdiction Over Certain Sections of the State's Endangered Species Program

**PUBLIC 573
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ OTP-AM MIN	H-741 BULL S-403

LD 1702 proposed to give the Commissioner of Marine Resources the authority to recommend endangered or threatened marine species to the Legislature for designation on the state endangered or state threatened species list.

The bill also proposed to give the commissioner temporary authority to designate a marine species found in the State as a state endangered or state threatened species if that species was listed as an endangered or threatened species by the United States Secretary of the Interior.

Committee Amendment "A" (S-403), the majority report, proposed to replace the bill. It proposed to give the Commissioner of Marine Resources authority over the State's endangered or threatened marine species. The amendment proposed to establish the state endangered or state threatened marine species list and to designate as endangered or threatened 8 marine species that are already federally listed as endangered or threatened species. Additionally, it proposed to give the Commissioner of Marine Resources the authority to recommend to the Legislature that a marine species be listed if that species was already federally listed as an endangered or threatened species. The amendment proposed to give the Legislature the exclusive ability to list a marine species as a state-listed endangered or threaten. Additionally, this amendment proposed to authorize the Commissioner of Marine Resources to establish programs necessary for the protection of state-listed endangered or threatened marine species and to enter into agreements with other governmental and nongovernmental entities for such purposes. Finally, the amendment proposed to add an emergency preamble and emergency clause.

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Committee Amendment "B" (S-404), the minority report, proposed to replace the bill. It proposed to give the Commissioner of Marine Resources authority over the State's endangered or threatened marine species. It proposed to establish the state endangered or state threatened marine species list and add 8 marine species that are already federally listed as endangered or threatened species to that list. Additionally, it proposed to give the Commissioner of Marine Resources the authority to designate a marine species as state endangered or state threatened if the Commissioner of Marine Resources determined, based on a criteria set out in statute, that the marine species needed protection. This amendment also proposed authorize the Commissioner of Marine Resources to establish programs necessary for the protection of listed state endangered or state threatened marine species and to enter into agreements with other governmental and nongovernmental entities for such purposes. Finally, the amendment proposed to add an emergency preamble and emergency clause. (not adopted)

House Amendment "A" to Committee Amendment "A" (H-741) proposes to require the Commissioner of Marine Resources to submit a written report by January 1st of each year to the joint standing committee of the Legislature having jurisdiction over marine resources matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters describing the status of all current and planned programs, activities and rules of the department pertaining to the conservation or management of state endangered or state threatened marine species. Additionally, it proposed to require the Commissioner of Inland Fisheries and Wildlife to include the joint standing committee of the Legislature having jurisdiction over marine resources matters when that commissioner submits an annual report on threatened and endangered species to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters, as required by current law. Finally, it proposed to require both commissioners to send notice to the Legislature by January 1st of each year that the reports have been delivered.

Enacted Law Summary

Public Law 2003, chapter 573 does the following:

1. Gives the Commissioner of Marine Resources authority over the State's endangered or threatened marine species. It establishes the state endangered or state threatened marine species list and designates as endangered or threatened 8 marine species that are already federally listed as endangered or threatened species;
2. Authorizes the Commissioner of Marine Resources to recommend to the Legislature that a marine species be listed if that species is already federally listed as an endangered or threatened species. It provides that the Legislature has sole authority to include a marine species in or remove a marine species from the list;
3. Authorizes the Commissioner of Marine Resources to establish programs necessary for the protection of state-listed endangered or threatened marine species and to enter into agreements with other governmental and nongovernmental entities for such purposes;
4. Requires the Commissioner of Marine Resources to submit a written report by January 1st of each year to the joint standing committee of the Legislature having jurisdiction over marine resources matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters describing the status of all current and planned programs, activities and rules of the department pertaining to the conservation or management of state endangered or state threatened marine species; and
5. Requires the Commissioner of Inland Fisheries and Wildlife to include the joint standing committee of the Legislature having jurisdiction over marine resources matters when the commissioner submits the commissioner's annual report on threatened and endangered species to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters, as required by current law and

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requires both commissioners to send notice to the Legislature by January 1st of each year that the reports have been delivered.

Public Law 2003, chapter 573 was enacted an emergency measure effective on March 24, 2004 except those sections of the Act that amend the Maine Revised Statutes, Title 12, sections 12801 and 12803 that are effective on July 30, 2004.

LD 1749

An Act To Provide for the Assessment of the Mahogany Quahog Resource

**PUBLIC 593
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL DAMON	OTP-AM	H-769

LD 1749 proposed to change the name of the Toxin Monitoring Fund to the "Mahogany Quahog Monitoring Fund" and would expand the allowable uses of the fund to include conducting stock assessments of the mahogany quahog resource.

Committee Amendment "A" (H-769) proposed that beginning July 1, 2004, 58% of the total revenue from the \$1.20 per bushel fee for mahogany quahogs or \$56,000, whichever is greater, be credited to the Mahogany Quahog Monitoring Fund and 42% or the remainder, as applicable, to the General Fund. It also proposed to require the Department of Marine Resources to conduct mahogany quahog stock assessments starting no later than January 1, 2005 and to report biennially to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the progress of the stock assessments and the status of the Mahogany Quahog Monitoring Fund starting January 1, 2006.

Enacted Law Summary

Public Law 2003, chapter 593 changes the name of the Toxin Monitoring Fund to the "Mahogany Quahog Monitoring Fund" and expands the allowable uses of the fund to include conducting stock assessments of the mahogany quahog resource.

Public Law 2003, chapter 593 provides that, beginning July 1, 2004, 58% of the total revenue from the \$1.20 per bushel fee for mahogany quahogs or \$56,000, whichever is greater, must be credited to the Mahogany Quahog Monitoring Fund and 42% or the remainder, as applicable, to the General Fund.

Public Law 2003, chapter 593 also requires the Department of Marine Resources to conduct mahogany quahog stock assessments starting no later than January 1, 2005 and to report biennially to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the progress of the stock assessments and the status of the Mahogany Quahog Monitoring Fund starting January 1, 2006.

Public Law 2003, chapter 593 was enacted as an emergency measure effective April 6, 2004.

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LD 1758

An Act To Correct Certain Errors and Inconsistencies in Marine Resources Laws

PUBLIC 520

Sponsor(s)
BULL

Committee Report
OTP-AM

Amendments Adopted
H-647

LD 1758 proposed to do the following:

1. Change the name of the Aquarium and Resource Center at West Boothbay Harbor Fund to the Department of Marine Resources Educational Fund;
2. Create the Marine Fisheries Research and Development Fund;
3. Create a reinstatement fee of \$25 in order for the Department of Marine Resources to rescind a license suspension that is the result of failing to comply with a court order of support;
4. Clarify that it is unlawful to fish for or take lobster from any platform other than a vessel;
5. State that only the licensed owner may use lobster traps, warps, buoys or cars for fishing unless that person has written permission from the Commissioner of Marine Resources;
6. Correct the inadvertent omission of the allocation of one type of lobster license fee;
7. Clarify that it is unlawful for a person to possess, as well as to fish for or take, striped bass except for personal use.
8. Strike an exemption on the prohibition of washing or holding shellfish in closed areas;
9. Reallocate section 6728-A to section 6721-A;
10. Strike language that was repealed during the First Regular Session of the 121st Legislature, but was inadvertently restored in a subsequent bill;
11. Allow the transfer of funds from the Aquarium and Resource Center at West Boothbay Harbor Fund to the Department of Marine Resources Educational Fund and allow the transfer of funds from the gas tax fund to the newly created Marine Fisheries Research and Development Fund.

Committee Amendment "A" (H-647) proposed to strike the provision from the bill that prohibits the possession of striped bass except for personal use. Additionally, the amendment proposed to strike language that allows a person under certain conditions to wash or keep mussels in closed waters.

Enacted Law Summary

Public Law 2003, chapter 520 does the following:

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1. Changes the name of the Aquarium and Resource Center at West Boothbay Harbor Fund to the Department of Marine Resources Educational Fund;
2. Creates the Marine Fisheries Research and Development Fund;
3. Creates a reinstatement fee of \$25 in order for the Department of Marine Resources to rescind a license suspension that is the result of failing to comply with a court order of support;
4. Clarifies that it is unlawful to fish for or take lobster from any platform other than a vessel;
5. States that lobster traps, warps, buoys or cars may not be used for fishing by any person other than the licensed owner unless with written permission from the Commissioner of Marine Resources;
6. Corrects the inadvertent omission of the allocation of one type of lobster license fee;
8. Strikes an exemption on the prohibition of washing or holding shellfish in closed areas;
9. Reallocates section 6728-A to section 6721-A;
10. Strikes language that was repealed during the First Regular Session of the 121st Legislature, but was inadvertently restored in a subsequent bill;
11. Allows the transfer of funds from the Aquarium and Resource Center at West Boothbay Harbor Fund to the Department of Marine Resources Educational Fund and allows the transfer of funds from the gas tax fund to the newly created Marine Fisheries Research and Development Fund; and
12. Strikes language that allows a person under certain conditions to wash or keep mussels in closed waters.

LD 1834

Resolve, Regarding Legislative Review of Chapter 25.20: Protected Resources, a Major Substantive Rule of the Department of Marine Resources

**RESOLVE 114
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1834 would provide for legislative review of Chapter 25.20: Protected Resources, a major substantive rule of the Department of Marine Resources.

Enacted Law Summary

Resolve 2003, chapter 114 authorizes final adoption of Chapter 25.20: Protected Resources, a major substantive rule of the Department of Marine Resources.

Resolve 2001, chapter 114 was passed as an emergency measure effective March 24, 2004.

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LD 1857

An Act To Implement the Recommendations of the Task Force on the Planning and Development of Marine Aquaculture in Maine

PUBLIC 660

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-844
	OTP-AM MIN	H-847 BULL

LD 1857 proposed to implement the recommendations of the Task Force on the Planning and Development of Marine Aquaculture in Maine.

The bill proposed to do the following:

1. Clarify that the Commissioner of Marine Resources shall provide notice of a proposed lease renewal or transfer in the same manner as required for the original lease;
2. Give the commissioner authority to hold a public hearing on a proposed lease renewal or transfer;
3. Require the commissioner to hold a public scoping session if 5 or more persons request a hearing;
4. Expand a municipality's authority to grant a lease; and
5. List guidelines by which a municipality may approve a lease.

Committee Amendment "A" (H-844), the majority report, proposed to replace the bill. This amendment proposed to:

1. Remove the Department of Marine Resources as the primary agency responsible for the promotion and marketing of the aquaculture industry;
2. Define agricultural products to include aquaculture products;
3. Increase the number of lease acres a person may be a tenant of from 250 to 300 and authorize the Commissioner of Marine Resources to allow a person to exceed the 300-acre lease limit if that person provides a fallowing plan to the commissioner identifying lease sites that will remain fallow for at least 12 months. It also proposed to limit the total amount of active and fallowed lease acreage that may be held by one person to 500 acres, of which only 300 may be active;
4. Require the commissioner to consider as part of the criteria for granting a lease certain "conserved lands" that include governmental land held in fee to protect important ecological, recreational, scenic, cultural or historic attributes of that property;
5. Authorize the commissioner to consider more than one lease renewal application at a public hearing;
6. Make technical changes to reflect requirements in Maine Pollution Discharge Elimination System permits and to facilitate the transition from the finfish aquaculture monitoring program to the Maine Pollution Discharge

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Elimination System permit and to require finfish aquaculture leaseholders to get approval from the department of contractors to be used by leaseholders for data collection required by law;

7. Grant a municipality that has a shellfish conservation program the authority to issue a municipal shellfish aquaculture permit (“permit”) for mud flats within its jurisdiction. It would require the municipality to publish a summary of the proposed permit and would allow for public comment for 30 days after the publication of the application summary. It would also require a municipality to adopt ordinances that establish procedures for consideration of a permit and would require the municipality to hold a public hearing prior to the granting of the permit if requested by 5 or more people in writing. This amendment would provide the decision criteria a municipality must consider when making a decision on a proposed permit and would require the municipality put its findings in writing. Additionally, it would require the municipality to forward an approved permit to the department and would provide that a municipality may not charge more than \$50 an acre for a permit. It would give the municipality authority to put conditions and limits on a permit and would cap the length of a lease at 10 years, renewable upon application of the permit holder. Finally, it would require a municipality to hold a public hearing on a permit renewal application if requested in writing by 5 or more people and provide that a permit renewal must be granted if it continues to meet the decision criteria;
8. Establish the Aquaculture Management Fund to develop and manage water quality licensing and monitoring criteria for aquaculture and to analyze collected data, process license applications and make information about aquaculture available to the public;
9. Increase certain aquaculture fees and establish new fees related to aquaculture leases. Revenues raised pursuant to these fees would be dedicated to the Aquaculture Management Fund;
10. Repeal the tax of 1¢ per pound assessed on finfish;
11. Provide that municipalities may not charge a mooring fee for and do not have jurisdiction over siting or specifications of structural moorings used to secure aquaculture equipment. It would grant authority to municipalities for boat and vessel moorings inside the boundaries of an aquaculture lease site. It would prohibit a municipality from charging a mooring fee for such moorings that is inconsistent with other mooring fees for commercial vessels;
12. Require the Land and Water Resources Council to undertake a study of bay management. The intent of this study would be to explore and document potential new and innovative concepts for the management of Maine's embayments through a 2-year pilot initiative. It would require the council to begin this study no later than September 1, 2004 and to submit an interim report by January 15, 2006 and a final report by January 15, 2007 to the joint standing committee of the Legislature having jurisdiction over marine resources matters. The study would need to be carried out under the direction of the council with work performed by an interagency staff work group with input of a project steering committee consisting of members of the public with expertise in relevant fields of interest. It would also direct the council to create one or more pilot projects of limited duration in a representative region or regions of the State. The amendment would authorize the interagency staff work group to meet as necessary to fulfill its duties and specifies that meetings of the council are open to the public. It would further direct the Executive Department, State Planning Office and the Department of Marine Resources to provide staff services to the council and would require that the Director of the State Planning Office use funds from the State Planning Office's existing resources and other outside sources to cover the costs associated with this study; and
13. Set forth vision and principles statements as guidance for the future of aquaculture in Maine.

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Committee Amendment "B" (H-845), the minority report, proposed to replace the bill. This amendment mirrors the majority amendment except that it proposed to expand the decision criteria the Commissioner of Marine Resources must consider for a new lease to include private beaches, parks and docking facilities. It also proposed to require the commissioner to consider whether a proposed lease would interfere with certain "conserved lands" that include governmental land held in fee to protect important ecological, recreational, scenic, cultural or historic attributes of that property and land that has been protected through fee ownership or conservation easement with funding from the Land For Maine's Future Fund. (not adopted)

House Amendment "A" to Committee Amendment "A" (H-847) proposed to clarify that a municipality may issue a municipal shellfish aquaculture permit and not a lease for the exclusive use of shellfish aquaculture in a designated area in the intertidal zone within the municipality. Current law uses the term "lease," which does not accurately reflect the interest conveyed by a municipality to a person granted the authority to exclusively pursue shellfish aquaculture activities in a designated area within the intertidal zone. This amendment also proposed to make it a civil violation for a person to knowingly interfere with the ability of a person who holds a municipal shellfish aquaculture permit to conduct activities allowed under that permit.

Enacted Law Summary

Public Law 2003, chapter 660 implements the recommendations of the Task Force on the Planning and Development of Marine Aquaculture in Maine.

The bill does the following:

1. Removes the Department of Marine Resources as the primary agency responsible for the promotion and marketing of the aquaculture industry;
2. Defines agricultural products to include aquaculture products;
3. Increases the number of lease acres a person may be a tenant of from 250 to 300 and authorizes the Commissioner of Marine Resources to allow a person to exceed the 300-acre lease limit if that person provides a fallowing plan to the commissioner identifying lease sites that will remain fallow for at least 12 months. It also limits the total amount of active and fallowed lease acreage that may be held by one person to 500 acres, of which only 300 may be active;
4. Requires the commissioner to consider as part of the criteria for granting a lease certain "conserved lands" that include governmental land held in fee to protect important ecological, recreational, scenic, cultural or historic attributes of that property;
5. Authorizes the commissioner to consider more than one lease renewal application at a public hearing;
6. Makes technical changes to reflect requirements in Maine Pollution Discharge Elimination System permits and to facilitate the transition from the finfish aquaculture monitoring program to the Maine Pollution Discharge Elimination System permit and to require finfish aquaculture leaseholders to get approval from the department of contractors to be used by leaseholders for data collection required by law;
7. Grants a municipality that has a shellfish conservation program the authority to issue a municipal shellfish aquaculture permit ("permit") for mud flats within its jurisdiction. It requires the municipality to publish a summary of the proposed permit and allows for public comment for 30 days after the publication of the application summary. It also requires a municipality to adopt ordinances that establish procedures for

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consideration of a permit and requires the municipality to hold a public hearing prior to the granting of the permit if requested by 5 or more people in writing. This amendment provides the decision criteria a municipality must consider when making a decision on a proposed permit and requires that the municipality put its findings in writing. Additionally, it requires the municipality to forward an approved permit to the department and provides that a municipality may not charge more than \$50 an acre for a permit. It gives the municipality authority to put conditions and limits on a permit and caps the length of a permit at 10 years, renewable upon application of the permitholder. Finally, it requires a municipality to hold a public hearing on a permit renewal application if requested in writing by 5 or more people and provides that a permit renewal must be granted if it continues to meet the decision criteria;

8. Establishes the Aquaculture Management Fund to develop and manage water quality licensing and monitoring criteria for aquaculture and to analyze collected data, process license applications and make information about aquaculture available to the public;
9. Increases certain aquaculture fees and establishes new fees related to aquaculture leases. Revenues raised pursuant to these fees are dedicated to the Aquaculture Management Fund;
10. Repeals the tax of 1¢ per pound assessed on finfish;
11. Provides that municipalities may not charge a mooring fee for and do not have jurisdiction over siting or specifications of structural moorings used to secure aquaculture equipment. It grants authority to municipalities for boat and vessel moorings inside the boundaries of an aquaculture lease site. It prohibits a municipality from charging a mooring fee for such moorings that is inconsistent with other mooring fees for commercial vessels;
12. Requires the Land and Water Resources Council to undertake a study of bay management. The intent of this study is to explore and document potential new and innovative concepts for the management of Maine's embayments through a 2-year pilot initiative. It requires the council to begin this study no later than September 1, 2004 and to submit an interim report by January 15, 2006 and a final report by January 15, 2007 to the joint standing committee of the Legislature having jurisdiction over marine resources matters. The study must be carried out under the direction of the council with work performed by an interagency staff work group with input of a project steering committee consisting of members of the public with expertise in relevant fields of interest. It also directs the council to create one or more pilot projects of limited duration in a representative region or regions of the State and authorizes the interagency staff work group to meet as necessary to fulfill its duties and specifies that meetings of the council are open to the public. It further directs the Executive Department, State Planning Office and the Department of Marine Resources to provide staff services to the council and requires that the Director of the State Planning Office use funds from the State Planning Office's existing resources and other outside sources to cover the costs associated with this study;
13. Sets forth vision and principles statements as guidance for the future of aquaculture in Maine;
14. Clarifies that a municipality may issue a municipal shellfish aquaculture permit and not a lease for the exclusive use of shellfish aquaculture in a designated area in the intertidal zone within the municipality. Current law uses the term "lease," which does not accurately reflect the interest conveyed by a municipality to a person granted the authority to exclusively pursue shellfish aquaculture activities in a designated area within the intertidal zone; and
15. Provides that a person who knowingly interferes with the ability of a person who holds a municipal shellfish aquaculture permit to conduct activities allowed under that permit commits a civil violation.

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LD 1905

**An Act To Establish Reciprocity in Laws Governing the
Transportation of Lobsters by Nonresidents**

ONTP

Sponsor(s)
LEMONT

Committee Report
ONTP

Amendments Adopted

LD 1905 proposed to allow a person who possesses both a valid out-of-state license to harvest lobster and a wholesale seafood license issued under Maine law to transport lobster, by vehicle or by boat, into the State from outside the state limits. This provision would only apply if the state in which the person resided provided a reciprocal transporting privilege to Maine residents and imposed minimum size restrictions on lobster that were equivalent to those imposed under Maine law.

LD 1954

An Act To Create a Nonresident Lobster and Crab Fishing License

INDEF PP

Sponsor(s)
BULL

Committee Report

Amendments Adopted

LD 1954 proposed to create a nonresident commercial lobster and crab fishing license. This bill was not referenced to committee.

LD 1955

**Resolve, Directing the Commissioner of Marine Resources To
Review the Licensing Requirements for the Harvest of Certain
Marine Resources**

RESOLVE 139

Sponsor(s)

Committee Report
OTP

Amendments Adopted
S-494

LD 1955 would have directed the Commissioner of Marine Resources to review the issues concerning the issuance of nonresident lobster licenses.

Senate Amendment "A" (S-494) proposed to replace the resolve and change the title. It proposed to required the Commissioner of Marine Resources to review the licensing requirements for the harvest of certain marine resources and to submit the commissioner's report and any recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 3, 2005. The amendment also proposed to authorize the commissioner to submit a bill related to the report to the First Regular Session of the 122nd Legislature.

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Enacted Law Summary

Resolve 2003, chapter 139 requires the Commissioner of Marine Resources to review the licensing requirements for the harvest of certain marine resources and to submit the commissioner's report and any recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 3, 2005. It also authorizes the commissioner to submit a bill related to the report to the First Regular Session of the 122nd Legislature.

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